

REMARKS

Initially, Applicant respectfully acknowledge that the Examiner has objected to claims 33 and 34 and has indicated that dependent claims 15-23 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

Claims 17, 19-27 and 29-43 remain pending in the application. Claims 1-16, 18 and 28 have been canceled without prejudice or disclaimer of the subject matter thereof, and claims 36-43 have been added.

Reconsideration of the rejection and allowance of the pending application in view of the foregoing amendments and following remarks is respectfully requested.

In the Office Action of October 20, 2005, claims 17-32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe, U.S. Patent No. 5,448,988. This rejection is respectfully traversed.

Independent claim 1 has been amended to more clearly distinguish over the applied prior art reference by further reciting that the thickness-varying region extends substantially over an entire region of the layer, and within the thickness-varying region the thickness of the layer varies in its longitudinal direction in a stepwise manner.

No new matter is introduced by the present amendment. In this regard, the Examiner's attention is directed to, inter alia, original claim 18 of Applicant's application.

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It is a disclosed object of an embodiment to provide a flexible tube for an endoscope having an excellent improvement in insertion operation, resistance to chemicals and durability.

To achieve the above-noted object, a disclosed embodiment of the flexible tube for an endoscope, as recited in amended claim 17, includes, inter alia, an elongated tubular core body, and an outer cover which is provided over the core body, the outer cover having a portion which is formed into a laminate structure composed of at least three layers, wherein at least one of the layers constituting the portion of the laminate structure has a thickness-varying region where the thickness of the layer varies in its longitudinal direction. Further, the thickness-varying region extends substantially over an entire region of the layer, and within the thickness-varying region the thickness of the layer varies in its longitudinal direction in a stepwise manner.

The Watanabe reference cited to support the rejection under 35 U.S.C. § 102(b) does not disclose such a combination of features, in particular, that within the thickness-varying region the thickness of the layer varies in its longitudinal direction in a stepwise manner. Instead, in Watanabe, the thickness of the second elastomer material 12 gradually increases from a hardness changing intermediate position A toward the controller 1 located on the rear side of the endoscope, as shown in column 2, lines 58-63.

In contrast, in the embodiment recited in claim 1, within the thickness-varying region, the thickness of the layer 32 varies in its longitudinal direction in a stepwise

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manner, as also shown in the paragraphs from line 17 of page 51 to page 53, line 7.

Thus, Watanabe does not disclose each and every feature recited in claim 17, and thus cannot anticipate at least claim 17 of the present application.

Claim 24 has been amended as an independent form reciting, inter alia, the boundary part is formed as a property-varying part within which the physical property and/or the chemical property of the layer gradually varies in its longitudinal direction, and claim 30 has been as an independent form reciting, inter alia, the layer having the boundary part is formed such that the physical property and/or the chemical property within the boundary part varies in its longitudinal direction in a substantially stepwise manner. Watanabe teaches neither the above-noted feature of claim 24 nor claim 30.

Claims 36-43 have been added for consideration. No new matter has been added by this claim addition. In this regard the Examiner's attention is directed to the paragraphs from line 17 of page 51 to page 53, line 7.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

Claims 17, 24 and 30 are now in condition for allowance in view of the above-noted remarks. Claims 19-23, 25-29 and 31-43 dependent thereon respectively are also submitted to be in condition for allowance in view of their dependence from the allowable base claims and also at least based upon their recitations of additional

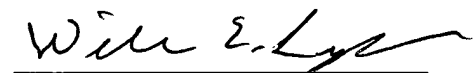
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features of the disclosed embodiments. It is respectfully requested, therefore, that the rejections of claims 17-32 and 35 under 35 U.S.C. 102(b) be withdrawn and that an early indication of the allowance thereof be given.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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